

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

THE ELIE NEUFELD, LLC,

CASE NO.: 22-CV-23204-RNS

Plaintiff,

v.

EDWARD WOLF & ASSOCIATES, LLC,

Defendant.

/

PLAINTIFF'S AFFIDAVIT OF DAMAGES

MIAMI-DADE COUNTY)

STATE OF FLORIDA)

1. My name is Elie Neufeld and I am the Managing member and owner of The Elie Neufeld, LLC (“Plaintiff”). This Affidavit is based on personal knowledge and not upon information or belief, unless stated.

2. Plaintiff is a company engaged in the commercial gym business (d/b/a Rule Recovery and Fitness) and leases the premises located at 2020 NE 153rd Street, Unit 101, North Miami Beach, Florida 33162 (the “Premises”).

3. On or around mid-December of 2020, Plaintiff contacted Home Exposure, Inc. (“Home Exposure”), regarding the replacement of garage doors at the Premises, which Plaintiff paid in full for (\$28,855.00) and received an invoice. At all times relevant to this action Home Exposure held itself out to the public and Plaintiff as a fully licensed and insured general contractor.

4. On or around May 31, 2022, Hurricane Garage caused to be recorded a fraudulent claim of lien against Plaintiff and the Premises. This led to Plaintiff filing suit against Hurricane

Garage Doors and the discharge of the fraudulent lien, in the action styled, The Elie Neufeld, LLC v. Hurricane Garage Doors, Inc., Case No: 2022-013386-CA-0, the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. *See Order Discharging Lien* attached hereto as **Exhibit A**.

5. On or around July 12, 2022, Edward Wolf & Associates, LLC (“Defendant”), through an employee Victoria Stillwell, contacted Plaintiff by email in an attempt to collect on the fraudulent lien. In the communication, Defendant does not hold itself out as a debt collector but purports to be a law firm who represents Hurricane Garage Doors, stating: “***My firm has been retained to protect and secure the rights of the referenced creditors.*** Your case with Hurricane Garage Doors, Inc has been sent to my office with regards to the aforementioned claim and your case has been sent to my local office for the purpose of litigation. Before any actions, directives and disclosures from the creditors are taken, we would like to give you twenty-four hours to show honest intent and resolve this indebtedness, otherwise, it is our client’s intention to proceed with litigation for not only the balance outstanding, but all allowable attorney fees and court cost. Naturally, it would benefit all parties concerned if litigation could be circumvented. If this matter is a mere oversight and can be resolved with an out of court resolution, feel free to use one of the following payment methods to expedite payment. This formal demand allows you a chance to fulfill your commitment, protect you and/or your company’s credit (D&B), and avoid any applicable cost and/or fees. You can overnight payment in full via FedEx and email my office with tracking confirmation, or simply send a bank wire or electronic funds transfer for the balance in full and email me a copy of the receipt for proper applications.” *See Exhibit B.*

6. On or around the same day, Defendant, without authorization, contacted Plaintiff’s landlord and represented to Plaintiff’s landlord that Defendant was an attorney attempting to

collect a debt. In addition, Defendant threatened to foreclose on the Premises if the debt was not paid, despite the fact that it was aware the underlying lien was fraudulent.

1. On or around July 15, 2022, Plaintiff retained undersigned, who contacted Defendant to alert them that alleged debt was fraudulent, that Plaintiff was represented by counsel and to cease any and all communication to Plaintiff except through counsel. Defendant has been aware that undersigned represents Plaintiff from at least July 20, 2020 – despite being put on notice, Defendant continued to contact Plaintiff and third-parties. *See* July 20, 2022, E-mail from Defendant to Undersigned as **Exhibit C**.

7. After being contacted by my counsel, alerted to the fact that the debt was invalid and being asked to only communicate to me through my attorney, Defendant contacted my cell phone at least a dozen times, contacted my landlord multiple times and left a fake google review all in an attempt to extort a monetary payment from me that I did not owe. *See* Composite **Exhibit D**.

8. Defendants as of November 28, 2022, owes Plaintiff \$1,000.00 in statutory damages for violations of 15 U.S.C. § 1692.

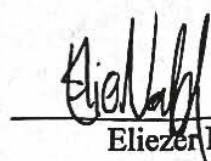
9. Defendants as of November 28, 2022, owes Plaintiff \$1,000.00 in statutory damages for violations of Fla. Stat. § 559.72(9).

10. The total amount due and owing, exclusive of attorneys' fees and costs is \$2,000.00.

11. Default interest accrues on the principal at the prevailing statutory interest rate.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

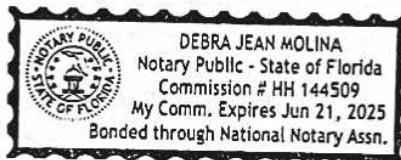
Under penalty of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.


Eliezer Neufeld

SWORN TO AND SUBSCRIBED before me this 23 day of November, 2022 by Eliezer Neufeld.

The above-named individual is personally known to me and did take an oath.

(Notary Seal)



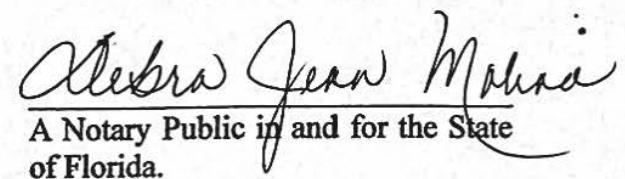

Debra Jean Molina
A Notary Public in and for the State
of Florida.

EXHIBIT A

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2022-013386-CA-01

SECTION: CA32

JUDGE: Mark Blumstein

Elie Neufeld, LLC (The)

Plaintiff(s)

vs.

Hurricane Garage Doors, Inc

Defendant(s)

ORDER DISCHARGING LIEN

THIS CAUSE having come before the Court on Plaintiff The Ellie Neufeld, LLC's ("Plaintiff"), Motion to Discharge Lien of Defendant Hurricane Garage Doors, Inc. ("Defendant"), pursuant to Fla. Stat. 713.21(4), the Court having reviewed the Verified Complaint, the Motion to Discharge Lien and having been advised in the premises, it is hereby,

ORDERED AND ADJUDGED:

1. Plaintiff The Ellie Neufeld, LLC's Motion to Discharge Lien of Defendant Hurricane Garage Doors, Inc., is **GRANTED**.
2. Defendant Hurricane Garage Doors, Inc.'s recorded Claim of Lien in the Official Records of Miami-Dade County at Book 33215 Page 199, on the subject property 2020 NE 153 Street, Unit 101, North Miami Beach, Florida 33162 is hereby **DISCHARGED and CANCELLED**.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 25th day of August, 2022.

2022-013386-CA-01 08-25-2022 7:


2022-013386-CA-01 08-25-2022 7:57 PM

Hon. Mark Blumstein

CIRCUIT COURT JUDGE
Electronically Signed

Final Order as to All Parties SRS #: **12** (Other)

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

Electronically Served:

Ishmael A Green, ishmael.green@LewisBrisbois.com

Ishmael A Green, linda.yun@lewisbrisbois.com

Ishmael A Green, ftlemaildesig@lewisbrisbois.com

Physically Served:

EXHIBIT B

Yun, Linda

From: Yun, Linda
Sent: Monday, October 3, 2022 1:24 PM
To: Yun, Linda
Subject: FW: 2020 NE 153rd St Project (case#10422-21)

Get [Outlook for iOS](#)

From: vstillwell@edwardwolff.biz <vstillwell@edwardwolff.biz>
Sent: Tuesday, July 12, 2022 12:46:54 PM
To: eli@rulefitnessmiami.com <eli@rulefitnessmiami.com>; sknight@edwardwolff.biz <sknight@edwardwolff.biz>; Elie Neufeld <elie@rulefitnessmiami.com>
Cc: legalsupport@edwardwolff.biz <legalsupport@edwardwolff.biz>
Subject: RE: 2020 NE 153rd St Project (case#10422-21)

Eli,

Pursuant your conversation with Mr. Knight if the matter is resolve by end of day tomorrow we have agreed to remove the fees and you only have to pay \$11,385.00 to have lien removed.

Please advise.

Edward Wolff & Associates

Victoria Stillwell— Legal Coordinator
660 N. Central Expy. Ste.# 450
Plano, TX. 75074
Phone # 214-612-7562
Fax # 214-452-5663
vstillwell@edwardwolff.biz
www.edwardwolff.biz

From: vstillwell@edwardwolff.biz <vstillwell@edwardwolff.biz>
Sent: Tuesday, July 12, 2022 9:50 AM
To: 'eli@rulefitnessmiami.com' <eli@rulefitnessmiami.com>; 'sknight@edwardwolff.biz' <sknight@edwardwolff.biz>
Cc: 'legalsupport@edwardwolff.biz' <legalsupport@edwardwolff.biz>
Subject: 2020 NE 153rd St Project (case#10422-21)
Importance: High

Attn: Eliezer Neufeld
Claim: 10422-21
Balance: \$14,231.25

My firm has been retained to protect and secure the rights of the referenced creditors. Your case with Hurricane Garage Doors, Inc has been sent to my office with regards to the aforementioned claim and your case has been sent to my local office for the purpose of litigation. Before any actions, directives and disclosures from the creditors are taken, we would like to give you twenty four hours to show honest intent and resolve this indebtedness, otherwise, it is our client's intention to proceed with litigation for not only the balance outstanding, but all allowable attorney fees and court cost.

Naturally, it would benefit all parties concerned if litigation could be circumvented. If this matter is a mere oversight and can be resolved with an out of court resolution, feel free to use one of the following payment methods to expedite payment.

This formal demand allows you a chance to fulfill your commitment, protect you and/or your company's credit (D&B), and avoid any applicable cost and/or fees. You can overnight payment in full via FedEx and email my office with tracking confirmation, or simply send a bank wire or electronic funds transfer for the balance in full and email me a copy of the receipt for proper applications.

Bank Wire Instructions

EDWARD WOLFF & ASSOCIATES

Bank: Inwood National Bank

Address: 7621 Inwood Rd. Dallas, TX 75209

Routing Number: 111 001 040

Account: 334 076 4

Swift Code: INWAUS41

Overnight Check Delivery:

EDWARD WOLFF & ASSOCIATES

660 n. Central Expressway Suite 450

Plano, Texas 75074

Claim # - Include on envelope and check to ensure proper application

It is imperative to notify me once payment is made to ensure proper application.

Regards,

Edward

EXHIBIT C

Yun, Linda

From: Green, Ishmael
Sent: Tuesday, September 20, 2022 5:10 PM
To: Yun, Linda
Cc: Green, Ishmael
Subject: FW: [EXT] 2020 NE 153rd Lien (case#10422-21)

Ishmael Green

Attorney

Fort Lauderdale
954.678.4073 or x9544073

From: vstillwell@edwardwolff.biz <vstillwell@edwardwolff.biz>
Sent: Wednesday, July 20, 2022 9:01 AM
To: Green, Ishmael <Ishmael.Green@lewisbrisbois.com>
Cc: legalsupport@edwardwolff.biz
Subject: [EXT] 2020 NE 153rd Lien (case#10422-21)



This message needs your attention

- No employee in your company has ever replied to this person.

[Report or Mark as Safe](#)

Good morning Ishmael,

Due to your client lack of concern to resolve the above matter, my client is having to make the hard decision to moving forward with litigation. Will you accept service for Elie Neufeld and/or Rule Fitness?

Regards,

Edward Wolff & Associates

Victoria Stillwell Legal Coordinator

660 N. Central Expy. Ste.# 450

Plano, TX. 75074

Phone # 214-612-7562

Fax # 214-452-5663

vstillwell@edwardwolff.biz

www.edwardwolff.biz

COMPOSITE

EXHIBIT D

11:21 < Recents



TOM HOLMAN

+1 (469) 410-9974

Terrell, TX



message



call



video



mail



pay

Today

11:14 AM Missed Call

11:13 AM Missed Call

Calls with a checkmark have been verified by the carrier.

Share Contact

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Share My Location

Block this Caller



Favorites



Recents



Contacts



Keypad



138
Voicemail

11:21 < Recents



TOM HOLMAN

+1 (469) 410-9974

Terrell, TX



message



call



video



mail



pay

Yesterday

9:38 AM Missed Call

Calls with a checkmark have been verified by the carrier.

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Add to Emergency Contacts

Share My Location

Block this Caller



Favorites



Recents



Contacts



Keypad



138
Voicemail

11:22

11:50

< Recents

TH

TOM HOLMAN

+1 (469) 410-9974

Terrell, TX



message



call



video



mail



pay

September 8, 2022

12:06 PM Missed Call

11:58 AM Missed Call

Calls with a checkmark have been verified by the carrier.

Share Contact

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Share My Location

Block this Caller



Favorites



Recents



Contacts



Keypad



138
Voicemail

5:31

12/21/2022

Recents



TOM HOLMAN

+1 (469) 410-9974

Terrell, TX



message



call



video



mail



pay

Today

5:16 PM Missed Call

Calls with a checkmark have been verified by the carrier.

Share Contact

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Add to Emergency Contacts

Share My Location

Block this Caller



Favorites



Recents



Contacts



Keypad



138
Voicemail

Audio file

[AUDIO_9614 1.m4a](#)

Transcript

Speaker 1

Ah yes, Andrew, this is Tom Holman. I spoke with you a few days ago in reference to my client hurricane garage doors versus rule Fitness and Ellie. Uhm, Ellie, Newland or Neufeld? The building belongs to you, just reason I. Called you because there's a lien that we put on it. The fact that it's a stand alone means that we can force sale of it. It's not in a. Park, it's a stand. Alone building, so I'm trying to avoid moving. Forward to get expense. The date to sell after it's adjudicated. I haven't heard back from you. I didn't know if you sent a, uh. A breach of lease to him and gave him 30 day eviction, but at this point I'm I'm in the dark so I need you to reach out to me. I have to make a decision on Monday. 4694109974 again, my name is Tom Holman from Edward Wolfe and Associates on behalf of my client hurricane garage doors versus rule fitness.

Audio file
[voicemail-729.m4a](#)

Transcript

Speaker 1

But yeah, bardo this is Mr Holman uhm? I've got no other choice, but. To move forward, I've been trying to work. With you yesterday, the call that you and I. Had didn't go. Well, and I'm tired of dealing with it. But my client has to move forward. They're going to. Lose their lien rights if we don't execute and get a commencement date to foreclose on the property so you don't believe that we can. All you gotta do is sit back and see. And you will see that you will lose that building to a foreclosure sale. To satisfy this claim. Unfortunately, we can't wait any longer we. Are going to lose their. Lien rights and they're not going to be able to get anything, so we have to execute. They have to execute on the lane to get a commencement date and then pour clothes to get their money. Again, like I said, you don't believe it's watch.

Audio file
[voicemail-731.m4a](#)

Transcript

Speaker 1

Yeah Mr garbade. Oh this is Tom Holman. Giving you a call because. I need to get your e-mail address. We are going to send you all the information after they end up moving forward on the liens. Please give me a call at 469-410-9974. I need your e-mail address also you can e-mail me at T Holman. At Edward Wolff Wolff. Dot bids. But I need your e-mail address so that way you'll know I. But now you don't believe that we're going to move forward on these liens. So I need your. E-mail address or I? Can show you that. We really are. It's a standalone building 100. Percent vulnerable thank you.

2:05



Recents



TOM HOLMAN

+1 (469) 410-9974

Terrell, TX



message



call



video



mail



pay

Today

1:34 PM Missed Call

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Favorites



Recents



Contacts



Keypad



Voicemail

138

2:06



All

Missed

Edit

Recents

TOM HOLMAN Terrell, TX

1:34 PM

**GRANDPRARI TX** Grand Prairie, TX

1:32 PM

**GRANDPRARI TX** Grand Prairie, TX

1:31 PM



6:05

12/27/2022

Recents

GT

GRANDPRARI TX

+1 (945) 246-3914

Grand Prairie, TX



message



call



video



mail



pay

Today

5:40 PM Missed Call

Calls with a checkmark have been verified by the carrier.

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Favorites



Recents



Contacts



Keypad



138
Voicemail

6:05

12/27/2022

Recents

TH

TOM HOLMAN

+1 (469) 410-9974

Maybe: Tom Holman



message



call



video



mail



pay

Today

11:42 AM Missed Call

Calls with a checkmark have been verified by the carrier.

Create New Contact

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Block this Caller

Don't Suggest Contact



Favorites



Recents



Contacts



Keypad



138
Voicemail

5:05

12/27/2022

< Recents



TOM HOLMAN

+1 (469) 410-9974

Maybe: Tom Holman



message



call



video



mail



pay

Today

4:58 PM Missed Call

Calls with a checkmark have been verified by the carrier.

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Block this Caller

Don't Suggest Contact



Favorites



Recents



Contacts



Keypad



138
Voicemail

6:41

12/22/2022

Recents



TOM HOLMAN

+1 (469) 410-9974

Maybe: Tom Holman



message



call



video



mail



pay

Today

3:16 PM Missed Call

Calls with a checkmark have been verified by the carrier.

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Block this Caller

Don't Suggest Contact



Favorites



Recents



Contacts



Keypad



138
Voicemail

8:59

10:56 AM

Recents

TH

Tom Holman

+1 (469) 410-9974

Maybe: Tom Holman



message



call



video



mail



pay

Yesterday

2:06 PM Missed Call

Calls with a checkmark have been verified by the carrier.

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Block this Caller

Don't Suggest Contact



Favorites



Recents



Contacts



Keypad



140
Voicemail

< 8



+1 (469) 410-9974 >

iMessage
Today 11:43 AM

Sorry, I can't talk right now.

Read 11:44 AM

Ellie this is Tom Holman from Edward Wolff , I spoke with your landlord Andrew garibotto , you are in breach of your lease agreement , he said he would send you out an eviction notice , 30 days to vacate , you need to call me to work something out. This ducking and dodging me, is only going to make this worse for you. There is a LIEN on your building caused by YOU . What did you think was going to happen.



iMessage



Audio file
[voicemail-751.m4a](#)

Transcript

Speaker 1

Uh, yeah. This message is for Daniel Garbaccio. This is Tom Holman. I need you to get in contact with me at 469-410-9974. Please refer to your case. Case number 10422. Thank you.

Audio file

[voicemail-759 1.m4a](#)

Transcript

Speaker 1

Yes, this message. Is for the owner of Rule Fitness. This is Tom Holman. I represent Edward Wolfe and associates and my client who owns the lien on the property that you're in. I need you to give me a call 469-410-9974 before this runs out of time. Thank you.

Audio file
[voicemail-760.m4a](#)

Transcript

Speaker 1

Hey Eli, this is Tom Holman. I am the senior legal coordinator with Edward. Wolfe and associates. Obviously I've sent you in countless emails giving you warning there is a lien place on your building which is a breach of your rental contract with the Barbatos. I am in the middle of getting contact with them. We are going to. Exercise the lane. Whether the garbanzos or you get off. Your hands and start doing something to get this thing paid, but we are going to move forward. Make no mistake. My phone number 46941. 0997 Four again, I represent hurricane garage doors. That's my client. There is a lien that was placed on the building that you rent that. Buildings that you don't own in the breach of your lease, which means you. Can be evicted. I'm going to go ahead and do what I have to. Do on my end. But this is going. To turn out very fast for you if you don't resolve it. 469-410-9974.

Audio file
[voicemail-761.m4a](#)

Transcript

Speaker 1

Uh, yeah Eli. This is Tom Holman. I've been calling you been trying to warn you that the lean that's been on the property of 2020 NE 133rd St North Miami, which. Is your fitness club. We are going to exercise our rights under the law, which means we need to start a commencement date and start foreclosure against that property. I am going to notify them. Barbatos obviously they need to know that it's their property. They own it and you're in breach of your agreement. Your rental agreement, which means you can be evicted. 4694109974, good luck.

Audio file
[voicemail-763.m4a](#)

Transcript

Speaker 1

Hey Eli, this is Tom Holman again. I don't know why you hung up the phone on me. I'm just trying to educate you on where. We're at, we haven't gotten in contact with. The owner of the building you're in, Andrew Barbato. He did with his attorney today and they're going to send you an eviction notice to gives you 30 days to resolve this lien. Or you're going to be evicted from the property. You don't believe me? You may want to call. Your landlord. But they'll he'll let you know what he's doing. Again, Andrew Garbade Oh my name is Tom Holman. You got my name, you got my number. I've left several messages. I told you that this thing is going to get out of hand if you didn't take care. But you can't just not pay somebody that did work on your plot on the property there, especially when you don't own it, you're in breach of your lease agreement and you're going to either have to move your your club or you're going to have to pay under the table. There's no way out 469410997. For right now, I'm willing to work out a settlement and save you some money, but I promise you if you go to the table and you're forced to it, it won't be it'll. Be balanced in full. You need to call me.

Audio file
[voicemail-764.m4a](#)

Transcript

Speaker 1

Yeah Ellie this is Mr Holman calling from. Edward Wolfe and associates in reference to my client hurricane Garage Doors Inc. Versus rule fitness. I had told you that we got ahold of the owner, Andrew Garbodor. And he is going to send an issue a 30 day eviction notice because this is a stand alone building with a lien on it which can be forced sold. He's not going to let that happen, so he's going to send you an eviction notice. You have 30 days to be to vacate. You need to contact me before this gets out of hand and I'm not going to be very forthcoming or welcoming to settlement. I'm going to want balance and full plus attorney fees. 4694109974 you need to get with me right away before this gets out of hand. Unless you plan on moving in 30 days.

Audio file
[voicemail-770.m4a](#)

Transcript

Speaker 1

Ali this is Mr Holman from Edward Wolfe and associates. Just calling in to. See if you had gotten that eviction notice yet. 469-410-9974.

Audio file

voicemail-768.m4a

Transcript

Speaker 1

Yeah Ellie, I was just checking to see if you had gotten. The eviction notice yet give me a call 4.
694109974

Audio file
[voicemail-776.m4a](#)

Transcript

Speaker 1

It's LLE, it's Tom Holman, again checking to see if you received the eviction notice 469-410-9974.